

NO LONGER ON INDIANA'S DEATH ROW

According to records available to the Indiana Public Defender Council as of November 26, 2013, ninety-seven individuals have been sentenced to death in Indiana since the 1977 reinstatement of capital punishment here. Eighty-two individuals, listed below, are no longer on death row, including twenty-two individuals who have been executed (20 by Indiana and 2 by other states), five who died while on death-row, and fifty-six who have had their death sentences set aside. Twelve individuals are currently under sentence of death, and one has had his death sentence reversed in proceedings which the state is appealing.

| Name | Year Sentenced to Death | Status |
|-------------------------|-------------------------|---|
| Hicks, Larry | 1978 | New trial granted by trial court, two weeks before scheduled execution; acquitted on retrial, (1979). |
| Judy, Steven | 1980 | Executed, March 9, 1981, after waiving non-mandatory appeals. |
| Hollis, David | 1982 | Suicide while awaiting appeal. |
| Dillon, Richard | 1981 | New trial ordered on federal habeas, <u>Dillon v. Duckworth</u> , 751 F.2d 895 (7th Cir. 1984); Pled to term of years prior to retrial. |
| Vandiver, William | 1984 | Executed, October 16, 1985, after waiving all non-mandatory appeals. |
| Thompson, Jay | 1982 | Death vacated on direct appeal; remanded for new judge sentencing based on jury recommendation against death, <u>Thompson v. State</u> , 492 N.E.2d 264 (1986); resentenced to sixty years. |
| Patton, Keith | 1984 | Guilty plea vacated on state PCR, <u>Patton v. State</u> , 517 N.E.2d 374 (1987). Sentenced to 120 years at trial. |
| Martinez-Chavez, Eladio | 1985 | Death vacated on direct appeal; Indiana Supreme Court orders sixty year sentence imposed. <u>Martinez-Chavez v. State</u> , 534 N.E.2d 731 (1989). |

| Name | Year Sentenced to Death | Status |
|---------------------|-------------------------|--|
| Cooper, Paula | 1986 | Death vacated on direct appeal; Indiana Supreme Court orders sixty year sentence imposed, <u>Cooper v. State</u> , 540 N.E.2d 1216 (1989). |
| Smith, Charles | 1983 | New trial ordered on appeal of state PCR, <u>Smith v. State</u> , 547 N.E.2d 817 (1989); DP request dropped before new trial; acquitted on all counts. |
| Thacker, Lois | 1985 | Death vacated on direct appeal; Indiana Supreme Court orders sixty year sentence imposed, <u>Thacker v. State</u> , 556 N.E.2d 1315 (1990). |
| Brewer, James | 1978 | New penalty phase ordered on federal habeas, <u>Brewer v. Aiken</u> , 925 F.2d 850 (7th. Cir. 1991); fifty-five year plea bargain. |
| Williams, Larry | 1980 | New penalty phase ordered on appeal of state PCR, <u>Williams v. State</u> , 525 N.E.2d 1238 (1988); DP request dropped; sentenced to sixty years, 1992. |
| Harris, James | 1983 | Plea bargain for term of years entered during state PCR hearing, 1992. |
| Jackson, Donald | 1988 | Death vacated on direct appeal; remanded for imposition of term of years, <u>Jackson v. State</u> , 597 N.E.2d 950 (1992). |
| Evans, Charles | 1986 | Death vacated on direct appeal; remanded for imposition of term of years, <u>Evans v. State</u> , 598 N.E.2d 516 (1992). |
| Landress, Cindy Lou | 1989 | Death vacated on direct appeal; remanded for imposition of term of years, <u>Landress v. State</u> , 600 N.E.2d 938 (1992). |

| Name | Year Sentenced to Death | Status |
|-------------------------|-------------------------|---|
| Bellmore, Larry | 1986 | Death vacated on direct appeal; remanded for new sentencing determination, <u>Bellmore v. State</u> , 602 N.E.2d 111 (1992); while rehearing pending Tr.Ct. resented to 60 years. |
| Boyd, Russell | 1983 | Sentence vacated by PCR court in summary judgment, 1993. Pled to 80 years while resentencing pending. |
| Kennedy, Stuart | 1988, 1992 | Death vacated on direct appeal; remanded for imposition of term of years, <u>Kennedy v. State</u> , 620 N.E.2d 17 (1993). |
| James, Victor | 1990 | Sentence vacated on direct appeal, <u>James v. State</u> , 613 N.E.2d 15 (1993); remanded for new penalty phase; death penalty dropped pending new penalty phase. |
| Spencer, Terry (Lowery) | 1985 | Pled guilty, for 60 year sentence, pending state PCR, 1994. |
| Resnover, Gregory | 1981 | Executed, December 8, 1994, after exhausting appeals. |
| Roark, Dennis | 1989, 1992 | 1989 conviction and death sentence reversed & remanded for new trial, <u>Roark v. State</u> , 573 N.E.2d 881 (1991). Reconvicted and resented to death, 1991. 1992 death sentence reversed and 200 year sentence imposed, <u>Roark v. State</u> (1994), 644 N.E.2d 565. |
| Benirschke, William | 1988 | Pled guilty, for 140 year sentence, pending state PCR, 1995. |
| Potts, Larry D. | 1988 | Pled guilty, for 210 year sentence, pending state PCR, 1995. |
| Castor, Marvin D. | 1988 | Sentence vacated on direct appeal, <u>Castor v. State</u> , 587 N.E.2d 1281 (1992); remanded for new penalty phase; Death penalty request dismissed pending resentencing, 1995. |

| Name | Year Sentenced to Death | Status |
|-----------------------|--------------------------------|--|
| Davis, Frank | 1984 | State agreed to resentencing during PCR; resentenced to two 60-year terms, 1996. |
| Smith, Tommie | 1981 | Executed, July 18, 1996, after exhausting appeals. |
| Schiro, Thomas | 1981 | Sentence vacated on appeal of third post-conviction petition, <u>Schiro v. State</u> , 669 N.E.2d 1357 (1996). |
| Huffman, Richard | 1985 | Conviction set aside on PCR; pled pending retrial. |
| Underwood, Herbert | 1985 | Conviction set aside on PCR; on retrial, jury acquitted on felony supporting aggravator; state dismissed DP, 1996. |
| Spranger, William | 1983 | Sentence vacated on PCR; on resentencing, judge imposed 60-year term, 1997. |
| Burris, Gary | 1981 | Executed after exhausting appeals, November 20, 1997. |
| Lockhart, Michael Lee | 1989 | Executed in Texas for crime committed there, December 9, 1997. |
| Smith, Robert | 1996 | Executed after waiving non-mandatory appeals, January 29, 1998. |
| VanCleave, Gregory | 1983 | Sentence vacated on PCR; resentencing judge found state had not proved aggravating circumstance and dismissed death penalty request, 1998. |
| Games, James | 1984 | Sentence vacated on PCR; DP dismissed by agreement pending resentencing, 1999. |
| McCollum, Phillip | 1985 | DP dismissed by agreement pending appeal of PCR denial, 1999. |
| Townsend, Johnny, Jr. | 1985 | DP dismissed by agreement pending appeal of PCR denial, 1999. |

| Name | Year Sentenced to Death | Status |
|---------------------|-------------------------|---|
| Fleenor, D. H. | 1984 | Executed after exhausting appeals, but declining clemency request, December 9, 1999 |
| Rondon, Reynaldo | 1985 | Sentence set aside on PCR; pled pending new penalty phase, 2000. |
| Vincent Prowell | 1994 | Conviction and sentence set aside on PCR, <i>Prowell v. State</i> , 741 N.E.2d 704 (2001); DP dismissed pending new trial. |
| Gerald Bivins | 1992 | Executed after waiving federal habeas corpus review, March 14, 2001. |
| John Ingle | 1998 | Death sentence set aside on direct appeal, May 8, 2001, due to insufficiency of evidence on aggravators; remanded for entry of term of years. |
| Jim Lowery | 1983 | Executed after exhausting appeals, June 27, 2001. |
| Perry Steven Miller | 1990 | Conviction and death sentence vacated on federal habeas corpus review, June 29, 2001; pled to 138 years, August 7, 2001. |
| Alton Coleman | 1986 | Executed in Ohio for a crime committed there, April 26, 2002. |
| Jerry Thompson | 2000 | Stabbed while direct appeal was pending, 10/27/2002. |
| Kevin Lee Hough | 1987 | Executed after exhausting appeals, May 2, 2003 |
| Joseph Trueblood | 1990 | Executed after exhausting appeals, June 13, 2003 |
| Gamba Rastafari | 1987 | Death sentence vacated on successor PCR due to mental retardation. Appeal dismissed 12/3/2003. |
| Benny Saylor | 1994 | Override death sentence vacated on PCR petition for rehearing, on state constitutional grounds, May 21, 2004. |

| Name | Year Sentenced to Death | Status |
|-----------------------|--------------------------------|---|
| Darnell Williams | 1987 | Death sentence commuted to life without parole by Gov. Joe Kernan, July 2, 2004. |
| Walter Dye | 1998 | Pled to LWOP pending new trial, November 8, 2004. |
| William Minnick | 1985 | Override death sentence vacated on successor PCR petition, December 1, 2004. |
| Michael Daniels | 1979 | Death sentence commuted to life without parole by Gov. Joe Kernan, January 7, 2005. |
| Donald Ray Wallace | 1982 | Executed after exhausting appeals, March 10, 2005. |
| Bill Benefiel | 1988 | Executed after exhausting appeals, April 21, 2005. |
| Gregory Scott Johnson | 1986 | Executed after exhausting appeals, May 25, 2005. |
| Keith Canaan | 1986 | Death sentence reversed on federal habeas review, 395 F.3d 376 (7 th Cir. 2005); DP dismissed by agreement pending resentencing. |
| Phillip Stroud | 2002 | Death sentence reversed on direct appeal, 809 N.E.2d 274 (Ind. 2004); DP dismissed by agreement pending resentencing. |
| Kevin Conner | 1988 | Executed after exhausting appeals, July 27, 2005. |
| Arthur Baird | 1987 | Death sentence commuted to life without parole by Gov. Mitch Daniels, August 29, 2005. |
| Alan Matheney | 1990 | Executed after exhausting appeals, September 28, 2005. |
| Obadyah Ben-Yisrayl | 1992 | Sentenced to death in both Lake and Porter Counties. Lake County sentence was reversed August 10, 2004. Porter County conviction and sentence were reversed December 13, 2005, and the state has not retried him. |

| Name | Year Sentenced to Death | Status |
|-----------------------------|--------------------------------|--|
| Charles Barker | 1996 | Death sentence reversed and remanded for new penalty phase on Direct Appeal; sentenced to LWOP pursuant to agreement while new penalty phase was pending, December 19, 2005. |
| Roche, Charles | 1990 | Committed suicide while awaiting a new penalty phase, January 10, 2006. |
| Bieghler, Marvin | 1983 | Executed after exhausting appeals, January 27, 2006. |
| Moore, Richard D. | (1980) 2000 | Died of cancer at age 75, December 23, 2006. |
| Aki-Khuam, Akeem | 1993 | Conviction & death sentence reversed on federal habeas review , 328 F.3d 366 (7 th Cir. 2003); pled pending retrial, March 30, 2007. |
| Woods, David Leon | 1985 | Executed after exhausting appeals, May 4, 2007. |
| Lambert, Michael | 1992 | Executed after exhausting appeals, June 15, 2007. |
| Timberlake, Norman | 1995 | Died of natural causes November 10, 2007. |
| Ben-Yisrayl, Chijoke Bomani | 1984 | Death sentence vacated in state post-conviction proceedings, 738 N.E.2d 253 (Ind. 2000); state dismissed death penalty request pending new penalty phase, January 17, 2008. |
| Harrison, James Patrick | 1991 | Conviction and death sentence vacated in federal habeas proceedings, 428 F.3d 652 (7 th Cir. 2005); pled to 150 years pending re-trial, May 5, 2008. |
| Azania, Zolo Agona | 1982 | Death sentence set aside twice on state PCR; while pending third penalty phase, resolved by sentencing agreement, October 17, 2008. |
| Stevens, Christopher | 1993 | Death sentence set aside in federal habeas proceedings, 489 F.3d 883 (7 th Cir. 2007) ; lwop sentencing agreement reached September 23, 2009. |

| Name | Year Sentenced to Death | Status |
|------------------------|--------------------------------|---|
| Wrinkles, Matthew Eric | 1995 | Executed after exhausting appeals, December 10, 2009. |
| Wisehart, Mark | 1983 | Conviction and death sentence vacated in federal habeas proceedings, 408 F.3d 321 (7 th Cir. 2005); pled to 75 years pending retrial, September 1, 2010. |
| Daniel Wilkes | 2008 | Death sentence vacated and LWOP imposed by PCR court after learning that jury deadlocked 11-1 for LWOP at trial, August 12, 2011. |
| Howard Allen | 1988 | F.Dist. Ct. vacated DP after finding Allen to have mental retardation. State dismissed its appeal pursuant to sentencing agreement June 4, 2013. |